

force in the State of Maryland. No one can be prosecuted for libelling the Government of the United States or the President of the United States as such in any tribunal in Maryland.

"If the President, as an individual, conceives that he has been criminally libelled," said Mr. Rayner, "he can go to the district courts and ask for an investigation before the Grand Jury the same as any other individual. The Department of Justice has nothing to do with it. If the President is using the Federal circuit courts or the courts of the District of Columbia for purposes of framing a proceeding against any one for libelling him then he is violating the laws of the country."

Senator Lodge moved that the resolution be referred to the Committee on Judiciary, which called forth a protest from Mr. Rayner. Mr. Lodge then asked that the resolution go over until tomorrow under the Senate rules. The motion to refer the resolution to the Judiciary Committee will then be the order of business.

## WILLETT RAKES ROOSEVELT, CALLS HIM A GARGOYLE.

(Continued from First Page)

speech delivered before the interruption follows:

Mr. Willett, who represents the Fourteenth District of the Empire State and resides at Far Rockaway, took for his theme "The Passing of Roosevelt."

Like a Horse Tedder.

After declaring that in the face of all sorts of conditions Americans were possessed of a universal sense of humor, Mr. Willett said that to such a people, "it must be confessed, a Chief Magistrate who has himself no sense of humor, moving like a horse tedder over the hayfield of American activities, stirring up every dry blade of once green grass, to let it fall dryer than before, quarrelling one day with the practical politicians, then with the party chair in the middle reforms, then with the Socialists, then with the great industrial corporations; wrestling in agony of spirit with Noah Webster and our glorious English tongue; taking a fall out of nature fakers; exhorting our women to avoid rare suicide, cannot be an un-mixed nuisance."

"He plays the tyrant, to be sure; but he is a tyrant who fears the carnival tickler. He sees things that have a bad smell, but the fresh breeze of Capitol Hill doesn't let the odor linger."

Good to Laugh At.

"He tries our patience, but he is always good to laugh at. Thank heaven for the things that make us laugh!"

"I thought we might easily become raw, untamed Anglo-Saxons, bellowing about an effort bill of rights or even ready to fight for freedom of speech, and freedom of the press, as did our uncivilized ancestors at Lexington and Bunker Hill!"

Mr. Willett gave a brief biography of Mr. Roosevelt's life, beginning with his experiences as a cowboy down to the present time and added: "The gargoyle has been funny from the hour it left its native quarry."

"And, Mr. Chairman, should the gentlemen who view this curious figure with feigned admiration ask me how any son of Adam can be at the same time a hay-tedder, a jowliarity and a gargoyle, I can only answer that this particular hero is an entire exception to all rules as a class of gargoyle, a mixed-metaphor vivand, an impossibility, a comet that roves at will regardless of the limitations of ordered law that apply to earth and moon, to stars and planets."

"He boasts of Irish blood, but no historic Irishman would have treated unly as he treated Mr. Harriman."

"He exults in a strain of the old Huguenot, but the French gentleman doesn't fly into a passion and lash the horse of a timid girl who only offends him by inadvertently pressing the royal party in a public highway. Even Louis XIV. was not that sort of a tyrant, and Henry IV., Henry of Navarre, the great Huguenot King, wore the white plume of Nebuchadnezzar."

Would Have Been Called Out.

"He tells that his Southern aristocracy were among his noble ancestors, but I can inform him that if the wife of Robert Toombs, or of a Jefferson Davis, had been treated by him as Mr. Minor Morris was, he would have been called out or branded as a coward, if he had been a thousand times a President."

"The President's book, 'The Strenuous Life,' is a masterpiece of the kind of President Roosevelt's books in which the President is alleged to have attacked Washington, Jefferson, Monroe, Jackson, Tyler, Polk and even Lincoln, who really fought the battle of Shiloh."

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## ROOSEVELT SUIT AGAINST WORLD STARTS SLOWLY

Grand Jury Hears Two Men Connected With William Nelson Cromwell's Office.

ARGUED BEFORE JUDGE.

Counsel for Witnesses Summoned Object to Ambiguous Language of Subpoenas.

The Federal Grand Jury which is inquiring into the accusation of President Roosevelt that Joseph Pulitzer libelled the United States Government by publishing in the New York World stories regarding the Panama Canal deal adjourned this afternoon until tomorrow after hearing only two of the twenty or more witnesses that had been called to the Federal Building.

At that time argument was still unfinished on the point raised by the lawyers for the Press Publishing Company that the subpoenas served upon William P. McLaughlin, sporting editor of the morning edition of The World, and upon J. Angus Shaw, Secretary of the Press Publishing Company, were illegal and void because these gentlemen, along with several others who have been summoned, had been ordered to testify "to all and everything you may know generally on the part of the United States."

The two witnesses who had been examined when the Grand Jury adjourned were H. H. Boyesen and Jonas Whitley, both, as it happens, employees in the offices of William Nelson Cromwell, who engineered the negotiations by which the Government acquired the Panama Canal. Among those who were told to return to-morrow was E. M. Engleman, president of the International News Service, who told an Evening World reporter that he had fully investigated the Panama charges, sending men both to Paris and to the Canal zone. He said he had turned over the data which he secured to the Democratic National Committee.

The Case Delayed.

After hearing John M. Bowers, of Bowers & Sands, lawyers for the Press Publishing Company, and the District Attorney, Judge Ward continued the subpoena argument until 6 o'clock, when Delancey Nicolli, of Nicolli, Anable & Lindsay, also representing the Press company, argued. The objectionable subpoenas were suspended in operation while remaining in force.

Mr. Bowers, who opened the proceedings in chambers, argued that the subpoenas against the two gentlemen whom he directly represented were void and of no effect because of a violation of the principle of law which had always been recognized by the highest courts of this State and of the Government, which holds that when a person is summoned before a Grand Jury he must be informed of the specific cause in which he is expected to testify.

He pointed out that in the papers served upon Messrs. Shaw and McLaughlin the printed words "to testify in a certain cause now pending and undetermined in the said court between the United States of America and —" had been stricken out with a stroke of a pen and overscored in ink with the blanket demand already mentioned, "to testify to all and everything you may know generally on the part of the United States."

Showing his teeth at all real heroes, "because real heroes are gall and wormwood to bogus ones."

"It is easy-on, so easy-to-understand that even a child could understand the great figure of the Spanish-American war, the hero who took Manila with the worst ships a rotten bureaucracy could find."

"The persistent defamation of Admiral Schley, who really fought the battle of Santiago."

"The insults heaped on Gen. Miles, whose counsel was ignored in the expensive blunders of the land campaign at Santiago."

Willett Sums Up.

Continuing his denunciation, Mr. Willett charged that the President had been brutal in his treatment of the man who had kept a young woman from earning an honest living by telling the truth, had allowed "scandalous conditions" to exist in the army and navy, had compelled his subordinates to act as hunting dogs for the Gar of Russia, in trailing down men who have fought for liberty, had practically re-established the John Adams alien and sedition laws, had forced desertions from the navy by allowing intolerable treatment of sailors, had the hands of the aristocracy of America's officers, had permitted the degrading of soldiers at West Point who had been put to mental work, and had given Sixth verdict in connection with the alleged Panama Canal scandal.

In conclusion he said, among other things:

"You may say, then, that one individual gargoyle does not count for so much after all. No, not in the development of the centuries; but he counts vitally and continuously as affecting the lives of thousands of men."

"The change from a Nero flapping while Rome is burning to a Venezuelan calmly devoted to security as cool government as tenderly as possible, is a change to be as devoutly welcomed by us as by the ancient Romans."

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Broadway and Ann St.

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Continuing, Mr. Bowers said: "There is, as Your Honor will see, no suggestion of the party against whom action is to be taken, and no suggestion of the subject matter concerned. The whole procedure is so contrary to the form and spirit of the law that I am sure it will startle your conception of the proper procedure and practice, even at this time, in the history of our Government. I insist that the District Attorney has no right to call men under such a device when his purpose may be to reach about on a general voyage of discovery—a plain abuse of his power and of the power of the Grand Jury when the law does not contemplate and should not tolerate."

Mr. Bowers cited the Federal Supreme Court decision in the case of Hale vs. Henkel and the decision of the New York State Court of Appeals in the People ex rel. Livingston vs. Wyatt. He argued that those decisions held that subpoenas in unusual form might lead to an abuse of process. He said the Federal Grand Jury had the right to summon as witnesses whomever it pleased, but the persons summoned were entitled to know beforehand the nature of the proceedings concerning which they were called to testify.

Mr. Stimson said that in striking out the subpoena language of the subpoenas and inserting in their stead the language which he had merely followed the practice which has been in vogue in the district for fifty years. He held there was no difference in the purpose and effect of the subpoena and the use of the legal alias of "John Smith and others," or "John Doe and others." He insisted also that his contention was upheld by the same decisions which his adversary had just cited.

The Judge Interrupts.

Here Judge Ward broke in to say:

"But under such a subpoena as was used here a man might be brought forward to testify against himself—his own words might be used to make a criminal of him."

"He could raise that point afterward such a thing were done and he were indicted," said Mr. Stimson.

"But meanwhile he would be helpless," said the judge. "If he told the truth he could be indicted and if he lied to save himself he could be prosecuted for perjury. How a man called upon to testify could protect himself is something I do not now understand."

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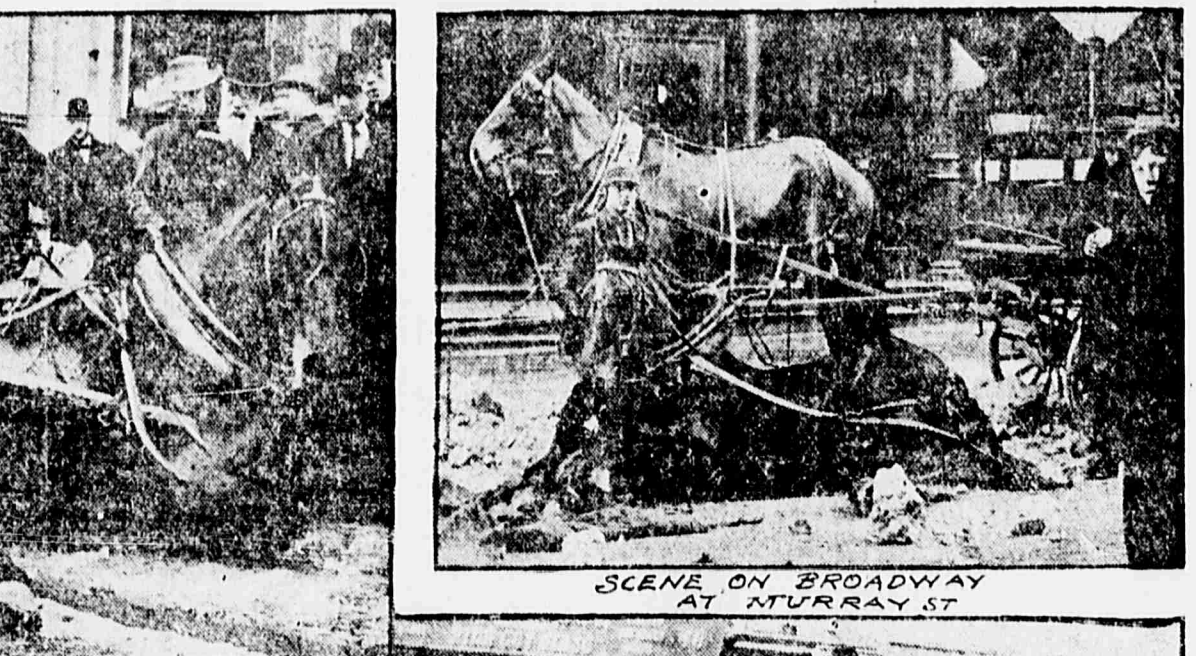
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